

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
SE/Corner Brentwood Avenue and
Tolson Avenue
(6817 Brentwood Avenue)
12th Election District
7th Councilmanic District
William P. Holeywinski, et ux
petitioners

* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-238-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 1.5 feet in lieu of the required 7.5 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January, 1991 that the Petition for Residential Variance to permit a side yard setback of 1.5 feet in lieu of the required 7.5 feet for an open projection (deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is limited to an open deck. The subject deck shall remain open on the three exposed sides and shall not be enclosed at any time.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
DATE: 1/31/91
BY: [Signature]

- 2 -

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto, and made a part hereof, petition for a Variance from Section:

1B02.3.C.1 to permit a side yard set back of 1.5 feet in lieu of the required 7.5 feet for an open projection (deck)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) (1) The applicant has built a new deck onto side of his home, at great expense, not knowing that he was in violation of the set back required. (2) The neighbor adjacent to the applicant's property, where the deck was constructed, has no objection to the deck and variance. (3) It would be a great hardship to the applicant to disallow this variance since his house is constructed with an exit at the location of the deck and could not be re-located on the property.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon settlement will reside at
6817 Brentwood Avenue, Baltimore, Maryland 21222
(Address)

That based upon personal knowledge, the following are the facts upon which I/we have the request for a residential zoning variance at the above address: (Indicate hardship or practical difficulty) The applicant has built a new deck onto side of his home at great expense, not knowing that he was in violation of the set back required. (2) The neighbor adjacent to the applicant's property, where the deck was constructed, has no objection to the deck and variance. (3) It would be a great hardship to the applicant to disallow this variance since his house is constructed with an exit at the location of the deck and could not be re-located on the property.

That Affiant(s) acknowledge(s) that if posted is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

William P. Holeywinski
AFFIANT (Handwritten Signature)

William Peter Holeywinski
AFFIANT (Printed Name)

Helen Caroline Holeywinski
AFFIANT (Handwritten Signature)

Helen Caroline Holeywinski
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of October, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William Peter and Helen Caroline Holeywinski

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/24/90
DATE

Racine Wawrock
NOTARY PUBLIC

My Commission Expires: 4-1-95

FRANK S. LEE
Registered Land Surveyor

1227 NEIGHBORS AVE. - BALTIMORE, MD. 21237

August 7, 1990

No. 6817 Brentwood Avenue
12th District Baltimore County, Maryland

Beginning for the same at the southwest corner of Brentwood and Tolson Avenues and being known as Lots 1 and 2, Block "G", Fairlawn, recorded among the land records of Baltimore County in Plat Book 6 folio 100.

Containing 6250 square feet of land.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 1/1/91
Posted for: Residential Variance
Petitioner: William P. Holeywinski et ux
Location of property: 6817 Brentwood Ave. & 34th Tolson Ave.
Location of Sign: At the intersection of 34th Tolson Ave. & 6817 Brentwood Ave.
Remarks: See Petition for details.
Posted by: [Signature] Date of return: 1/1/91
Number of Signs: 4

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: P.O. 1519
Number

receipt

91-238-A

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 29, 1991

Mr. & Mrs. William P. Holeywinski
6817 Brentwood Avenue
Baltimore, Maryland 21222

RE: PETITION FOR RESIDENTIAL VARIANCE
SE/Corner Brentwood and Tolson Avenues
(6817 Brentwood Avenue)
12th Election District - 7th Councilmanic District
William P. Holeywinski, et ux - Petitioners
Case No. 91-238-A

Dear Mr. & Mrs. Holeywinski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 31, 1990

Mr. & Mrs. William P. Holeywinski
6817 Brentwood Avenue
Baltimore, MD 21222

RE: CASE NUMBER: 91-238-A
LOCATION: SE/S Brentwood Avenue at intersection with SW/S Tolson Avenue
6817 Brentwood Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 9, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is January 24, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

Gwen E. Stephens
Gwen E. Stephens
Docket Clerk

91-238-A

PLOT PLAN

OWNER Mr. P. H. Holeski Application No. 91-238-A

ADDRESS 6817 Brentwood Ave

PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback 26' Left side setback 15'

Rear yard setback 50' Right side setback 15'

NOTE: 1. If a fence is to be closer than 2 feet to any existing fence or wall, adequate access must be provided for maintenance.

2. Cannot fence access easements.

10/82

RECEIVED SEP 5 1990

91-238-A #251

Petitioner's Exhibit 1

OWNERS
William - Helen Holeski
6817 Brentwood Avenue
Baltimore, Maryland 21222

EX. ZONING - DE 5-2
AREA OF LOT - 6250 SQ. FT.
SERVED BY PUBLIC WATER-SEWER

PLAT TO ACCOMPANY PETITION TO ALLOW A SIDE YARD SETBACK OF 15.0 FT. IN LIEU OF THE REQ. 10 FT.

LOTS 1-2 BLOCK "G"
FAIRLAWN
PLAT BOOK 6-100
12TH DISTRICT BALTIMORE CO., MARYLAND
SCALE 1" = 30' DATE 8-7-90

143 AL 714 C

CASE #: 91-238-A

Front side

Front

Front

Back

PETITIONER'S EXHIBIT # 2

6817 Brentwood Ave

To whom it may concern

We the undersigned property owners next to Mr + Mrs Holeski do not object to a deck erected within 5 ft of the property line next to our property 6815 Brentwood Ave,

Milton John Boskowske

91-238-A #251

Petitioner's Exhibit 3

91-238-A
#251



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

DUNDALK

S. E.
3-E